



pursuant to Virginia Code § 8.01-53 (the “Statutory Beneficiaries”). Specifically, they are the only children of Louise B. Spicer, deceased. The decedent was predeceased by her spouse.

4. The Statutory Beneficiaries have executed and notarized a written Agreement as to Distribution of Net Settlement Proceeds (the “Agreement”), attached hereto as **Exhibit 2**. In the Agreement, the Statutory Beneficiaries agree to the payment of specified attorneys’ fees and costs/expenses associated with the underlying cases; and they further agree to the payment of any Medicare lien, followed by the distribution of the net proceeds in equal one-third portions, the specific amounts of which are not estimated in the Agreement. By the Agreement, the Statutory Beneficiaries also waive notice and participation in any approval hearing by the Court.

5. The only known lien associated with the settlement proceeds is a Medicare lien (“Medicare Lien”). The Petitioners acknowledge and agree that the Medicare Lien should be paid from the settlement proceeds. The Petitioners/Statutory Beneficiaries have received a Final Payment Letter from the Centers for Medicare and Medicaid Services (“CMS”), which is attached hereto as **Exhibit 3** (the “Final Lien Amount”).

**B. This Court has already approved the Settlement Agreement, subject to final distribution order.**

6. On June 9, 2015, this Court approved the underlying Settlement Agreement, subject only to entry of a final distribution order approving the distributions to be made from the Settlement proceeds. The final order attached as Exhibit 1 accomplishes this.

7. The Petitioner and the Statutory Beneficiaries request entry of the attached final order without need for a hearing. Alternatively, the Petitioner requests that this motion be set for hearing on September 28, 2016 at 11:30 PM in the event that a hearing is required.

Wherefore, the Petitioner requests entry of the attached final distribution order, which also dismisses all pending cases with prejudice.

**PATRICIA S. BROWN, JOHN D.  
SPICER and JENAE S. PATSELL,  
EXECUTORS OF THE ESTATE OF  
LOUISE B. SPICER, DECEASED**

By: /s/ J. Scott Sexton  
Counsel

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 15, 2016, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system, which then sent a notification of such filing (NEF) to all counsel of record. Additionally, a copy of this Petition with attachments has been provided to the Statutory Beneficiaries, along with notice of hearing, if necessary, for **September 28, 2016 at 11:30 AM.**

/s/ J. Scott Sexton